

AMENDED IN SENATE MAY 14, 1997

AMENDED IN SENATE MAY 1, 1997

AMENDED IN SENATE APRIL 9, 1997

**SENATE BILL**

**No. 1061**

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**Introduced by Senator Vasconcellos**

February 27, 1997

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An act to repeal and add Section 1599.61 of the Health and Safety Code, relating to long-term health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1061, as amended, Vasconcellos. Long-term health care facilities.

Existing law requires that every contract of admission, as defined, of a long-term health facility comply with a prescribed form and contain certain information, terms, and conditions for admission of a patient to the facility. Existing law prescribes various prohibitions with regard to the content of the contract. Existing law requires every facility, as directed by the department, to submit a copy of its current contract of admission for review by the State Department of Health Services and to submit amendments as they occur.

This bill would repeal the latter provisions that require the submission of a contract of admission to the department for review. The bill would require instead every skilled nursing facility, intermediate care facility, and nursing facility to use a standard admission agreement developed and adopted by the department. The bill would prohibit any skilled nursing facility, intermediate care facility, or nursing facility from

altering the standard agreement, unless directed by the department.

Existing law prescribes the rights of patients in a skilled nursing facility or intermediate care facility and requires that written policies regarding the rights of patients be established and made available to the patient, other parties, and the public.

This bill would require the department to develop a comprehensive Patients' Bill of Rights to be made available to all long-term health care facilities in the state. The Patients' Bill of Rights would include provisions contained in state statutes and regulations and federal regulations. The bill would require that a copy of the Patients' Bill of Rights be a mandatory component of a contract of admission at every skilled nursing facility, intermediate care facility, and nursing facility. The bill would require the department to ensure the translation of the bill of rights into Spanish, Chinese, and other languages, as needed. *This bill would also declare that it is not intended to change existing statutory or regulatory requirements governing the care provided to nursing facility residents or the liability of nursing care facilities, as defined, related to their compliance with these requirements.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares  
2 all of the following:

3 (1) Many admission agreements of nursing homes in  
4 California are unnecessarily long, complicated, and  
5 incomprehensible to consumers and their families and  
6 representatives.

7 ~~(2) Many admission agreements used by nursing~~  
8 ~~homes in California do not meet the standards required~~  
9 ~~under state and federal laws and violate the rights of~~  
10 ~~nursing home residents.~~

11 (2) *It is in the best interests of the residents of the*  
12 *nursing homes in California that admission agreements*  
13 *used by nursing homes in California meet the standards*

1 *required under state and federal laws and that they do not*  
2 *violate the rights of nursing home residents.*

3 (3) There is little uniformity among the over 1,400  
4 nursing home admission agreements in California and the  
5 resultant task of reviewing admission agreements for  
6 compliance with state and federal laws poses an  
7 unnecessary administrative burden and expense.

8 (4) A uniform, nursing home admission agreement  
9 would provide consistency among admission agreements,  
10 promote and protect residents' rights, and conserve state  
11 resources and funds.

12 (b) It is the intent of the Legislature to mandate a  
13 standard admission agreement to be used for all  
14 admissions to skilled nursing facilities, intermediate care  
15 facilities, and nursing facilities in California.

16 SEC. 2. Section 1599.61 of the Health and Safety Code  
17 is repealed.

18 SEC. 3. Section 1599.61 is added to the Health and  
19 Safety Code, to read:

20 1599.61. (a) By January 1, 1999, all skilled nursing  
21 facilities, as defined in subdivision (c) of Section 1250,  
22 intermediate care facilities, as defined in subdivision (d)  
23 of Section 1250, and nursing facilities, as defined in  
24 subdivision (k) of Section 1250, shall use a standard  
25 admission agreement developed and adopted by the  
26 department. This standard agreement shall comply with  
27 all applicable state and federal laws.

28 (b) No facility shall alter the standard agreement  
29 unless so directed by the department.

30 (c) Subdivisions (a) and (b) ~~of this section~~ shall apply  
31 to all new admissions to skilled nursing facilities,  
32 intermediate care facilities, and nursing facilities that  
33 occur after December 31, 1998.

34 (d) By January 1, 1999, the department shall  
35 consolidate and develop one comprehensive Patients' Bill  
36 of Rights that includes the provisions contained in  
37 Chapter 3.9 (commencing with Section 1599), the  
38 regulatory resident rights for skilled nursing facilities  
39 under Section 72527 of Title 22 of the California Code of  
40 Regulations, the regulatory resident rights for

1 intermediate care facilities under Section 73523 of Title  
2 22 of the California Code of Regulations, and the rights  
3 afforded residents under Section 483.10 et seq. of Title 42  
4 of the Code of Federal Regulations.

5 This comprehensive Patients' Bill of Rights shall be a  
6 mandatory attachment to all skilled nursing facility,  
7 intermediate care facility, and nursing facility contracts  
8 *as specified in Section 1599.74 of this chapter.*

9 (e) By January 1, 1999, the department shall ensure  
10 the translation of the Patients' Bill of Rights described in  
11 subdivision (d) into Spanish, Chinese, and other  
12 languages as needed to provide copies of the Patients' Bill  
13 of Rights to members of any ethnic group that represents  
14 at least 1 percent of the state's skilled nursing facility,  
15 intermediate care facility, and nursing facility  
16 population.

17 (f) Translated copies of the Patients' Bill of Rights shall  
18 be made available to all long-term health *care* facilities in  
19 the state, including skilled nursing facilities, intermediate  
20 care facilities, and nursing facilities. It shall be the  
21 responsibility of the long-term health care facilities to  
22 duplicate and distribute the translated versions of the  
23 Patients' Bill of Rights with admissions agreements, when  
24 appropriate.

25 (g) *Nothing in this section is intended to change*  
26 *existing statutory or regulatory requirements governing*  
27 *the care provided to nursing facility residents. Similarly,*  
28 *nothing in this section is intended to create a new cause*  
29 *of action against a skilled nursing facility, an intermediate*  
30 *care facility, or a nursing facility as defined in Section*  
31 *1250, related to its compliance with those existing*  
32 *statutory or regulatory requirements governing the care*  
33 *provided to nursing facility residents.*

